

### **REMARKS/ARGUMENTS**

Applicants appreciate the thorough examination of the present application, as evidenced by the first Official Action. The first Official Action provisionally rejects all of the pending claims, namely Claims 1-18, under the judicially-created doctrine of double patenting in view of U.S. Patent Application No. 10/608,345. Applicants note that at such time as this provisional rejection matures into an obviousness-type double patenting rejection with the issuance of the present application or the '345 application, Applicants will respond accordingly.

The first Official Action also rejects the remaining claims, namely Claims 1, 2, 6-8, 12-14 and 18, under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0072253 to Hiramatsu; or under 35 U.S.C. § 103(a) as being unpatentable over Hiramatsu, in view of U.S. Patent No. 5,537,443 to Yoshino et al.

Further, the first Official Action also rejects Claims 5, 7-12 and 17 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. More particularly, the Official Action objects to a typographical error in Claims 5, 11 and 17; and objects to use of the phrase "capable of" in the system Claims 7-12. In response thereto, Applicants have amended Claims 5, 11 and 17 to correct the inadvertent typographical error, and various ones of the other claims to further clarify the claimed invention. And although Applicants respectfully submit that functional language such as "capable of" is perfectly acceptable claim language, Applicants have amended Claims 7, 8 and 10-12 (Claim 9 being cancelled) to replace the "capable of" claim language with "configured to" language. In view of the foregoing, Applicants respectfully submit that the indefiniteness rejection of Claims 7-12 is overcome (or rendered moot).

As the aforementioned rejections are the only non-provisional grounds of rejection of Claims 3-5, 9-11 and 15-17, Applicants respectfully submit that at least these claims are in condition for immediate allowance. And further, to expedite prosecution of the present application, Applicants have amended Claims 3, 9 and 15 into independent form, canceling independent Claims 1, 7 and 13, and amending the dependencies of a number of the remaining claims to depend (directly or indirectly) from respective ones of amended, and now independent Claims 3, 9 and 15. Applicants respectfully submit that the rejections of Claims 1, 2, 6-8, 12-14

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and 18 as being anticipated by Hiramatsu, or as being unpatentable over Hiramatsu in view of Yoshino, are overcome or rendered moot.

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### **CONCLUSION**

In view of the amended and cancelled claims and the remarks presented above, Applicants respectfully submit that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Andrew T. Spence  
Registration No. 45,699

**Customer No. 00826**  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Charlotte Office (704) 444-1000  
Fax Charlotte Office (704) 444-1111

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